

Attachment 1

Draft Board of Supervisors Resolution

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on _____

Resolution No. ____ - ____

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING FINDINGS OF FACT, AND APPROVING ZONE RECLASSIFICATIONS TO IMPLEMENT THE 2017 GENERAL PLAN FOR THREE PROPERTIES: THE REDWOOD RURAL HEALTH CENTER PROPERTY IN REDWAY (APN 077-312-016), THE SAVE THE REDWOODS LEAGUE PARCELS IN ORICK (APNS 519-231-018 AND 520-012-013), AND THE LOUIS GOSSELIN PROPERTY IN THE FORTUNA AREA (APN 200-031-033)

WHEREAS, Humboldt County initiated Zoning Text Amendments and Zone Reclassifications to Implement Humboldt County General Plan Land Use Element Implementation Measure GP-IM6. Zoning Consistency, which directs the County to, within two years after the adoption of the General Plan Update, revise the Zoning Regulations to re-establish zoning consistency with the policies of the General Plan and amend the Zoning Map to achieve consistency with the General Plan Land Use Map; and

WHEREAS, the application of Zoning Districts to the Zoning Map, as well as the recommended minimum lot size were developed consistent with the applicable General Plan Land Use Designation and Table 4-H Zoning Consistency Matrix; and

WHEREAS, at the Board of Supervisors meeting on December 11, 2018 individual Board members identified three Zoning Map amendments that did not have any expressed public opposition the application of Zoning Districts to the Zoning Map, as well as the recommended

WHEREAS, the proposed Zone Reclassifications may be approved if it can be found that: (1) the proposed change is in the public interest; and (2) the proposed change is consistent with the General Plan; and (3) the amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law;

WHEREAS, the project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, PEIR Project Description Section 2.7, Project Approvals Required and Subsequent Actions, identifies updating the Zoning Code in a manner consistent with the General Plan as a key implementing action; and

WHEREAS, Exhibit A of this Resolution includes substantial evidence in support of making all of the required findings for approving the proposed amendments to the Zoning Maps; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on October 4, October 18 and November 1, 2018.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Board of Supervisors that the Board of Supervisors:

1. The Board of Supervisors has considered the Environmental Impact Report (EIR) for the Humboldt County General Plan - State Clearinghouse No. 2007012089, certified by the Board of Supervisors on October 23, 2017 (Attachment 6 of this staff report) - and finds that the EIR for the General Plan is sufficient to addresses the potential environmental impacts associated with adoption of the Zone Reclassifications Ordinance for the three properties (the Redwood Rural Health Center property in Redway (APN 077-312-016), the Save the Redwoods League parcels in Orick (APNs 519-231-018 and 520-012-013), and the Louis Gosselin property in the Fortuna area (APN 200-031-033)) and was prepared in accordance with Section 15168 (c)(2) of the CEQA Guidelines to anticipate adoption of Zoning Map Amendments to implement the General Plan and no new information has been presented that change the findings of the EIR in accordance with section 15162 of the State CEQA Guidelines; and
2. Makes all of the required findings for adoption of the Zoning Map amendments for the three properties based on evidence in Exhibit A of this resolution, which is incorporated fully into this Resolution; and
3. Directs the Planning Staff to prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research; and
4. Directs the Clerk of the Board to publish a summary of the ordinance within 15 days of adoption including the names of the Supervisors voting for and against the Ordinance.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on _____, by the following vote:

Adopted on motion by Supervisor _____, seconded by Supervisor _____ and the following vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Chair
Humboldt County Board of Supervisors

California Environmental Quality Act Findings

Project Description

The project is part of the Implementation of the General Plan to make the zoning on three parcels consistent with the General Plan Land Use Designation. The following changes are being made to the zoning map:

<u>Property Owner</u>	<u>APN</u>	<u>GP Land Use</u>	<u>Existing Zone</u>	<u>New Zone</u>
Redwood Rural Health Center	077-312-016	CS	R-1-T	C-2
Save the Redwoods League	519-231-018	RA40-160	FR-B-5(20)-D	RA-40-D-WR-F
	520-012-013	CR	MH-X-D	CH-X-D-F
Louis Gosselin	200-031-033	RA5-20	AE-B-5(40)	RA-5

Where appropriate combining zones are included to address site specific conditions related to wetlands and floodplains.

Finding

1. The County of Humboldt adopted findings, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, and certified an Environmental Impact Report (EIR) for the General Plan on October 23, 2017 (State Clearinghouse # 2007012089). The Project will not result in additional environmental effects that were not adequately examined in the EIR certified for the General Plan.

Facts

1(a) The EIR states "Foreseeable future development actions that may tier off of this EIR include amendment of the zoning ordinance, applications for approval of subdivisions, coastal development permits, conditional use permits, and special permit requests that are consistent with the updated General Plan and within the scope of this (EIR)." In addition, the EIR specifically added Mitigation Measure 3.1.3.2.a. to add an implementation measure to the Growth Planning section of the Land Use Element (GP-IM6, Zoning Consistency) to reduce potential impacts related to conflict between the General Plan Update and applicable land use regulations:

"Implementation Measure GP-IM6, Zoning Consistency. Within two years after the adoption of the General Plan Update, revise the Zoning Regulations to re-establish zoning consistency with the policies of the General Plan and amend the Zoning Map to achieve consistency with the General Plan Land Use Map."

1(b) CEQA statute (§21083.3(b)) allows that if a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to

that general plan, the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report.

1(c) EIR Project Description Section 2.7, Project Approvals Required and Subsequent Actions, identifies that following adoption of the General Plan Update, the General Plan Implementation Action Plan will be carried out. Key implementing actions include updating the Zoning Map.

1(d) EIR Section Chapter 3.1 Land Use, Housing and Population, Impact 3.1.3.2: Conflict with Applicable Land Use Plans, Policies or Regulations, analyzes potential conflict with any applicable land use plan, policy, or regulation, including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance and found that impacts would be less than significant upon the implementation of a mitigation measure to revise the Zoning Map for zoning consistency.

1(e) Amendments to the Zoning Map involve the application of Zone Classifications to achieve consistency with the General Plan Map based on the General Concepts in Applying Compatible Zones per Table 4-H, Zoning Consistency Matrix which are applied to ensure that the minimum lot size consistent with density range.

1(f) The project actions are specifically enumerated in the General Plan and contemplated in the in Mitigation Measure 3.1.3.2.a of the EIR.

1(g) In addition to serving as the environmental document for the approval of the General Plan Update, the EIR was intended by the County to serve as the basis for compliance with CEQA for future actions to implement the General Plan Update, in accordance with Public Resources Code Section 21094 and Section 15168 of the CEQA Guidelines.

Finding

2. In accordance with Public Resources Code Section 21094(b) and Section 15168(c)(2) of the CEQA Guidelines, none of the conditions or circumstances that would require preparation of subsequent or supplemental environmental review pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162 exists in connection with the Project:

Facts

2(a) The EIR was presented to the Board of Supervisors in advance of the public meeting on January 15, 2019.

2(b) The Board of Supervisors reviewed and considered the EIR prior to taking action on the Zoning Map amendments for the three properties: (the Redwood Rural Health Center property in Redway (APN 077-312-016), the Save the Redwoods League parcels in Orick (APNs 519-231-018 and 520-012-013), and the Louis Gosselin property in the Fortuna area (APN 200-031-033)).

2(c) The rezoning of properties is consistent with the General Plan.

2(d) All significant effects on the environment due to the implementation of the Project have been eliminated or substantially lessened where feasible through the EIR mitigation measures

adopted in connection with the Board of Supervisor's approval of the EIR. All Program EIR mitigation measures applicable to the Project have been incorporated into the Project.

2(e) In accordance with Public Resources Code Section 21094(d), the Planning Commission found that any significant and unavoidable impacts of the Project with regard to agricultural and timber resources, utilities and services systems, transportation, hazards and hazardous materials, geology and soils, hydrology and water quality, air quality, greenhouse gas emissions, cultural resources, scenic resources, and energy consumption and conservation are outweighed by overriding considerations as set forth in the EIR and in the Findings adopted by the Board of Supervisors in connection with the approval of the EIR, as incorporated by reference and reaffirmed herein.

2(f) The Project does not include any changes in the General Plan and no substantial changes have occurred with respect to the circumstances under which the Project is to be undertaken consistent with the General Plan, so the EIR does not require any revisions due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

- No new information of substantial importance, which was not known and could not have been known at the time that the EIR was certified as complete, shows that the Zoning Map amendments would cause new or substantially more severe significant environmental impacts as compared against the impacts disclosed in the EIR, that mitigation measures or alternatives found infeasible in the EIR would, in fact be feasible, or that different mitigation measures or alternatives from those analyzed in the EIR would substantially reduce one or more significant environmental impacts found in the EIR.

- No information was submitted which identified potentially significant impacts not addressed in the EIR.

2(g) Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the Board of Supervisors, exercising its independent judgment and analysis, finds that the Project is consistent with the General Plan, falls within the environmental parameters analyzed in the EIR, and would not result in any new significant environmental effects or a substantial increase in the severity of any previously identified effects beyond those disclosed and analyzed in the EIR, nor would new mitigation be required for the Project.

2(h) The Planning and Building Department is the custodian of the records of the proceedings on which this decision is based. The records are located at the Humboldt County Planning and Building Department, 3015 H Street, Eureka, CA 95501.

Findings of Approval for Zoning Map amendments

Finding

1. Public Interest: The Zoning Map amendments are in the public interest.

Facts

(a) The purpose this project is to ensure consistency between the General Plan Land Use policy and Map and the Zoning Map. The proposed project Zoning Classifications for the three properties: (the Redwood Rural Health Center property in Redway (APN 077-312-016), the Save the Redwoods League parcels in Orick (APNs 519-231-018 and 520-012-013), and the Louis Gosselin property in the Fortuna area (APN 200-031-033)) provide consistency with the General Plan Land Use Designations identified on the General Plan Land Use Map and Table 4-H Zoning Consistency Matrix. This project is in the public interest because it achieves consistency between the General Plan and the Zoning Map.

(b) The zones for the specific areas are the most consistent with Table 4-H of the General Plan, the Zoning Consistency Matrix

Finding

2. General Plan Consistency: The Zoning Map amendments are in conformance with other applicable policies and standards of the Humboldt County General Plan.

Facts

(a) The following paragraphs explain how the project is consistent with the General Plan:

General Plan Goal, Policy and/or Standard	Project Evidence
Chapter 4 - Land Use Element	
Section 4.8: Land Use Designations Table 4-H. Zoning Consistency Matrix	Using the Geographic Information System (GIS), existing Zoning Classifications on the Zoning Map were compared to the General Plan Land Use Designations identified on the Land Use Element Maps. Where Zoning Classifications were found to be consistent based on Table 4-H, Zoning Consistency Matrix and the minimum lot size was consistent with the specified residential density range, no changes were made. Where an inconsistency was found, appropriate Principal and Combining Zoning Classifications are recommended to applied to ensure that the minimum lot size is consistent with General Plan density range, and that appropriate zones are used to reflect General Plan policy for properties in proximity to streamside management areas based on the General Concepts in Applying Compatible Zones per Table 4-H, Zoning Consistency Matrix and described above in the staff report.
Chapter 8 - Housing Element	

General Plan Goal, Policy and/or Standard	Project Evidence
<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The Housing Element obligates that County to accommodate its Regional Housing Need Allocation. The new Zoning Classifications are consistent with the General Plan. During the process of General Plan adoption, a rigorous analysis of General Plan consistency was performed, including an analysis of consistency between the Land Use Element and Land Use Maps and the Housing Element, where the General Plan was found to not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law. The proposed Zoning Maps conform to and carry out the General Plan Land Use Map. They also do not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Chapter 10 - Conservation and Open Space Element</p>	
<p>Section 10.3 Biological Resources Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources).</p>	<p>The General Plan Conservation and Open Space Element Biological Resources Section amended the policies relating to Streamside Management Areas, and Implementation Measure BR-IM6, Modifications to the Streamside Management Area (SMA) Ordinance would modify the Zoning Regulations to be consistent. The “WR- Streamside Management Area and Wetlands” Combining Zone is applied to areas subject to SMA regulations and the Zoning Map is recommended to be modified to reflect SMAs as prescribed by BR-S5, Streamside Management Areas Defined.</p>